REMARKS

Reconsideration of the application is respectfully requested.

Claim rejection under 35 U.S.C. §112

Claims 2-3, 5, 21, 23 and 24 were rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite for lacking antecedence. Without agreeing with the propriety of the rejections, applicants in this reply are amending those claims to delete the term "the" from the noted terminology. With respect to claim 24, however, applicants note that claim 24 does not recite "the group." Applicants believe that the amendments overcome the rejections.

Claims rejection under 35 U.S.C. §103

The Office Action rejected claims 1-30 under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,477,702 to Saxe et al. ("Saxe") in view of U.S. Patent Publication No. 2002/0129343 A1 to Pinter ("Pinter"). Without conceding to the propriety of the rejections, applicants are amending independent claims 1, 20 and 30 to further clarify what is being claimed. Support for the amendment can be found at least on page 8, line 29 – page 9, line 1 and page 10.

It is respectfully submitted that none of the cited references disclose or suggest the independent claims as amended. For example, neither Saxe nor Pinter discloses or suggests generating program graphs representing "runtime characteristics of" said code, which include, "adding one or more edges that represent an invocation of a thread.run() which results from a call to thread.start(), said runtime characteristics further including at least removing one or more edges from thread.start() to thread.run() when determining which interprocedural nodes are in a thread

of execution, said runtime characteristics further including at least adding one or more edges from within an intraprocedural analysis to a class constructor based on a rule that specifies when the class constructor must execute."

The Office Action cites Saxe's column 7, lines 30-34 as allegedly disclosing the claimed runtime characteristics. The Office Action misinterprets that passage of Saxe. Saxe's column 7, lines 30-34 describe a formula generated from a source code that expresses that the source code is free of certain kinds of errors, i.e., that these errors will not occur at run time. A formula that expresses that the source code is free from runtime errors does not disclose or suggest generating program graphs representing runtime characteristics of a code, let alone, "said runtime characteristics including at least adding one or more edges that represent an invocation of a thread.run() which results from a call to thread.start(), said runtime characteristics further including at least removing one or more edges from thread.start() to thread.run() when determining which interprocedural nodes are in a thread of execution, said runtime characteristics further including at least adding one or more edges from within an intraprocedural analysis to a class constructor based on a rule that specifies when the class constructor must execute." The claims as amended, on the other hand, claim that an edge is added to model runtime characteristics, for example, of invocations that occur during runtime, but may not be explicit in the source code. The claims as amended also claim that an edge from a start to run thread call is removed when it is determined that the thread is in execution. Such additions and deletions of the graph reflect the runtime characteristics of a program, not disclosed or suggested in the cited references.

For at least the above reasons, applicants believe that the independent claims and their respective dependent claims in the present application are unobvious over the cited references.

Applicants are not conceding by this amendment that the previously presented claims are not patentable over the art cited by the Examiner, as the present claim amendments are only for facilitating expeditious prosecution. Applicants respectfully reserve the right to pursue these and other claims in one or more continuations and/or divisional patent applications.

In view of the foregoing, applicant respectfully requests reconsideration, withdrawal of all rejections, and allowance of all pending claims. If the Examiner believes a telephone conference might expedite prosecution of this case, it is respectfully requested that he call applicants' attorney at (516) 742-4343.

Respectfully submitted,

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